

**OPINION
49-82**

June 4, 1949 (OPINION)

GAME AND FISH

RE: Rights of Owner to Hunt

Your letter to Honorable Wallace E. Warner, attorney general, has been received.

In your letter you ask if a landowner or tenant has the right at any time of the year to kill protected birds or animals, such as pheasants and deer which may be depredating crops on land owned or leased by him.

In answer thereto, will say that it is our opinion that the landowner of tenant is not allowed to hunt game, such as you describe, out of season. While such game may be depredating crops, the problem for recourse is up to the United States government or the state legislature, and until the law is changed he has no right to hunt except during open season.

WALLACE E. WARNER

Attorney General